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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

TYLER MILLER, an individual,

Plaintiff,

vs.

Case No. 3:23-cv-00293-SI

DECLARATION OF CODY HOESLY

HENRY HEIMULLER, in his official capacity  
as Board Member of the Columbia 9-1-1  
Communications District; BRUCE HOLSEY,  
in his official capacity as Board Member of the  
Columbia 9-1-1 Communications District;  
JEFF FLATT, in his official capacity as Board  
Member of the Columbia 9-1-1  
Communications District; and SHELLEY  
HENNESSY, in her official capacity as Board  
Member of the Columbia 9-1-1  
Communications District,

Defendants.

I, Cody Hoesly, declare as follows:

1. My Name is Cody Hoesly. I am over the age of 18. I make this declaration based on personal knowledge unless otherwise noted. If called upon to do so, I would testify truthfully as follows.

2. I am an attorney admitted in Oregon and to the bar of this Court. I represent Tyler Miller in an action pending in this Court, *Miller v. Watson*, No. 3:18-cv-00562-SB (the “Watson Action”), and have done so since November 19, 2020, shortly after the notice of appeal was filed in that Action. The firm of Elliott, Ostrander & Preston, P.C., previously represented Mr. Miller in the Watson Action and provided me with their case file when they withdrew on December 20, 2021, shortly after the Ninth Circuit issued its decision remanding that action to this Court.

3. Based on my review of the case file in the Watson Action, Chandra Egan produced text messages in the Watson Action in response to a subpoena. The text messages were served on Mr. Miller’s prior counsel on January 30, 2020. The text messages attached to Mr. Miller’s declaration in support of his TRO/preliminary injunction motion in this action comprise a complete set of the text messages that Ms. Egan produced in the Watson Action. The text messages attached to Ms. Egan’s declaration in opposition to Mr. Miller’s TRO/preliminary injunction motion in this action comprise excerpts from the text messages that Ms. Egan produced in the Watson Action.

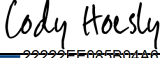
4. Attached hereto as Exhibit 1 are true and correct copies of excerpts from the deposition of Ms. Egan in the Watson Action.

5. On March 7, 2023, I designated Ms. Egan’s text messages “confidential” pursuant to the protective order in the Watson Action. There had been no previous need to do so as there was no indication that Mr. Watson or personnel at the Columbia 9-1-1 Communications District

planned to use the messages for any purpose other than the Watson Action—not to mention as a means of retaliating against Mr. Miller for his advocacy.

6. Apart from one innocuous text message submitted in connection with a summary judgment motion, none of the text messages currently under seal in this action was filed publicly in the Watson Action. Attached hereto as Exhibit 2 is a true and correct copy of that text message.

I declare under penalty of perjury that the foregoing is true and correct, and that I executed this declaration on April 3, 2023, at Portland, Oregon.

DocuSigned by:  
  
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Cody Hoesly

4870-9351-2795